

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3540-01  
Bill No.: SB 609  
Subject: Elections  
Type: Original  
Date: March 10, 2010

---

Bill Summary: Modifies provisions relating to election judges.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

---

## **FISCAL ANALYSIS**

---

### **ASSUMPTION**

Officials at the **Administrative Hearing Commission, Office of the State Courts Administrator, Missouri Department of Conservation, St. Louis County Board of Election Commission, Platte County Board of Election Commission, Office of the Secretary of State, Department of Labor and Industrial Relations** and the **Office of Prosecution Services** assume that there is no fiscal impact from this proposal.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Missouri Department of Transportation (MoDOT)** assume that current MoDOT policy does not provide paid time off to work the polls and/or act as an election judge, but does allow employees to use annual leave or compensatory time for these activities. It is unclear the impact to the MoDOT as the number of employees is unknown. It is expected to be less than \$100,000 per year.

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY 2009 average \$16.04 per inmate, per day or an annual cost of \$5,855) or through supervision provided by the Board of Probation and Parole (FY 2009 average \$3.71 per offender, per day or an annual cost of \$1,354). The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

ASSUMPTION (continued)

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crimes regarding election judges. Any person who threatens to terminate, coerces, or attempts to coerce any person in violation of this section would be guilty of a class B misdemeanor. Any person who terminates such person's employment, reduces such person's regular pay, overtime pay, sick leave, or vacation time, or penalizes such person in any other way for the person's service as an election judge, would be guilty of a class D felony.

In addition, any person who is selected and appointed as an election judge and who refuses, neglects, or fails to serve without excuse would be guilty of a class C misdemeanor. Any person who is selected and appointed as an election judge and who fails to serve for the appointed term, unless excused because of ill health or other good and sufficient reason, would be guilty of a class B misdemeanor.

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further extend resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

No other Board of Election Commission or Local Election Authority responded to **Oversight's** request for fiscal impact. Oversight assumes no fiscal impact to Board of Election Commissions or Local Election Authorities.

**Oversight** assumes that if any state employees are chosen to be election judges then they would use their comp time or annual leave and therefore there would be no impact to the agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

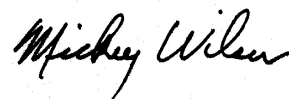
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Administrative Hearing Commission  
Office of the Attorney General  
Office of the State Courts Administrator  
Office of the State Public Defender  
Missouri Department of Conservation  
Missouri Department of Transportation  
St. Louis County Board of Election Commission  
Platte County Board of Election Commission  
Office of the Secretary of State  
Department of Labor and Industrial Relations  
Department of Corrections  
Office of Prosecution Services



Mickey Wilson, CPA  
Director

L.R. No. 3540-01  
Bill No. SB 609  
Page 6 of 6  
March 10, 2010

March 10, 2010

JH:LR:OD